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ABSTRACT

The court system touches the lives of many children in the school system, some through divorce, and others through their own illegal behavior. Principals and administrators need to infuse a functional knowledge of the legal system so that these children will be better able to cope and deal with life events that cause them to be placed in contact with the courts. School systems should consider developing age-appropriate curriculum interventions which teach children the functional aspects of the law. The current curriculum teaches children about the role the judicial system plays in the U.S. government, but often ignores how the law affects children on a personal level. A classroom visit by a lawyer can be a beneficial way to help children understand the role lawyers play in the legal process. An infusion process works with younger children, while a special presentation approach is more appropriate with older children. By infusing functional law into the school system, teachers and principals help younger children know how to cope with the legal process; and older children are able to make decisions based on factual information. (BT)

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# Infusing Functional Law Into the Classroom

By: Barry B. Frieman
Bobbi Fine

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# INFUSING FUNCTIONAL LAW INTO THE CLASSROOM

Barry B Frieman, Ed.D. and Bobbie Fine, Esquire

## Functional Law

The court system touches the lives of many children in the school system. Some are affected as a result of their parents' divorce and others are involved with the legal system as a consequence of their illegal behavior. Many of these children are ignorant of the legal system even though it has a direct impact on their lives. Principals and administrators need to infuse a functional knowledge of the legal system so that these children will be better able to cope and deal with the life events if they put them into contact with the courts.

Many argue that teachers and administrators should be taught how the legal system operates (Sametz, 1983; Sametz and McLoughlin, 1983; and Valesky and Hirth, 1992), and others have devised programs to teach children about the more formal functioning of the U.S. legal system (Hickey, M.G., 1990; Keeler, 1977; Nadar, 1992;Nelson, 1980; and Petitt & Ochoa, 1991.) However, it is essential that children have a functional knowledge of how the law directly impacts them.

## Divorce and the Courts

Children have misconceptions about the legal system. Some misunderstand the basic terminology used by the system.

Sally, a third grader, announced to her counselor, "We are getting divorced and I have to go to court to be judged." She went on to elaborate that she had overheard her parents who were in the middle of the divorce process, arguing over custody of both her and her brother. When questioned about the situation by Mr. Maury, her school counselor, Sally replied that "custody"

meant that she would only see her mother and would never see her father again. It was apparent that she didn't have a clear picture of how she would be "judged "in court, and that she was very worried about what would happen to her if she said the "wrong thing."

Sally is typical of many of the children the first author has worked with at the Children of Separation and Divorce Center (COSD) in Columbia, Maryland, a non-profit agency which has helped thousands of children and parents to cope with the divorce process. Although she is a bright youngster, Sally had no understanding of what happens in court, and what judges and lawyers do. She had just gleaned from overhearing her parents' conversation and observing their stress that lawyers and judges are people to be feared and that the court is a scary, mysterious place. When left in ignorance some children tend to fantasize about a situation and make it much more scary than it really is.

Other children misunderstand the role of lawyers in the legal process. Eight year old Lisa was worried because she overheard that she would be getting a lawyer. "I don't want a lawyer", she complained. " I'm happy just having parents. I don't need a lawyer instead." Obviously Lisa had no ideal of what lawyers do and why she was assigned one to represent her in her parents' custody dispute. Lisa saw the lawyer as someone who was going to replace her parents, not represent her interests in court.

Some children are afraid that what they say in court will get them into trouble. Ten year old Stephanie told the first author that she was afraid to go into court and face the judge. "What if I say the wrong thing. Will I get into trouble?" she asked. Many children come into contact with the courts through the process of divorce and have similar ignorance about the legal process.

Teachers, counselors, and principals know that the impact of divorce is widespread, affecting many children in American classrooms. These professionals can help children deal with the emotional consequences of this life crisis (Frieman, 1997).

Children need to be made aware of the parts of the judicial system which affect their lives so that they will have an honest, realistic picture of what they will face. A knowledge of this functional aspect of the law can be another tool in helping to cope with this life crisis.

## Infusing Functional Law for Younger Children

An important aspect of functional law for younger children is a knowledge of the people who are involved in the legal system, what tools they use, and where all the action takes place. Aaron's parents were divorcing and were fighting over custody. The local court appointed a lawyer to represent Aaron's interests. As Aaron described all of these events to the other fifth-graders in his COSD group, I was struck that this bright, young man didn't know what a lawyer did. He told the group that he was afraid to talk to his lawyer because he thought the lawyer was hired by his mother to make sure that Aaron never saw his father again.

Aaron's lawyer was skilled in the law, but uncomfortable talking to children. The lawyer never bothered to explain his role to Aaron because he assumed that like his adult clients Aaron knew what a lawyer did. A school intervention would be helpful to the children like Aaron.

### A Kindergarten Experience

A classroom visit by a lawyer can be a beneficial way to help children understand the role lawyers play in the legal process. Ms. Ricker, a kindergarten teacher, incorporated the job of lawyer into her discussion of community helpers. She invited a local lawyer into her classroom to talk to the children.

Before the lawyer came into the classroom, Ms. Ricker helped the lawyer to shape her presentation to the developmental level of the children in the kindergarten class. The lawyer was helped to make her discussion very concrete, concentrating on issues which were within the developmental grasp of the children in the class.

The lawyer described her role as someone who helps people deal with the law and the courts. She noted that a lawyer was a person who was on your side when you had a problem. Ms. Johnson, the attorney, had a picture of a mirror maze which had just been featured at a local carnival. She described the lawyer as a person who knew how the maze worked and could guide you through it with no problems.

During a questioning period, Marvin asked if a lawyer would tell your parents what you said. Ms. Johnson told them that the lawyer was much like their school counselor, in that they kept private the things told to them.

Ms. Johnson showed the children the tools of her trade: a law book, pads, pencils, business cards, and a brief case. These props were left in the classroom so the children could play at being "lawyer" during independent activity time. The children were able to explore and play with the lawyer's materials on their own terms. In this way the lawyer's role becomes understandable to the young children.

## The Courts and Judges

The formal layout of a court room can be scary for young children. Factual information about the court room and the court officers can help dissipate the fear that many children have about going to court.

Five-year old Ebony terrified the other children in her class when she described her

experience in court during her parents' divorce case. "It was really scary. There was a big witch who say behind a big desk and banged a hammer when she got angry."

The next day, Ms. Celeste, started group time with a picture of a courtroom. She described the people in the court and told what they did. The judge, Ms. Celeste explained, was like the school crossing guard who makes sure that all people follow the rules. Ms. Celeste had a robe similar to the one worn by a judge and put it on in front of the children. She then removed it and showed them that she was just a regular person under the robe.

Ms. Celeste make a "judge" prop box which included a gavel and a robe so the children could explore the materials during self-selected time. In this way, she allowed the children to handle the garb of the court on their own terms. Once a child puts on the robes and plays judge, the robes seem less threatening and more like just another costume.

## Infusing Law in the Upper-Elementary Grades

Upper -elementary children can learn about the courts by visiting a trial in progress and simulating a trial in the classroom. Mr. Solomon incorporated the study of courts and the law into his fifth grade unit on government. He too had a lawyer come into class and discuss his role. He also took the children on a field trip to the local court house to witness an actual morning in court.

To actively use this knowledge in the classroom, Mr. Solomon recreated a model of what the children saw in the local court house in his classroom. For a case he chose a dispute which was going on in the neighborhood of the students in his class. It seems that one family "found" a cat on their doorstep that seemed to be hungry and dirty. They took the cat in and adopted him as a family pet. Two weeks later, their neighbors knocked on their door and informed them that

they "lost" their cat. They claimed that the "found" cat actually belonged to them and they wanted it back. The children in the family that found the cat were very upset and felt that the other people neglected the cat and were poor owners. Mr. Solomon told the fifty-graders that they would "try" this case in their classroom court.

The children did the appropriate research and constructed a court in their classroom. Students were assigned to be attorneys to represent both sides, members of the jury, and all court officers. Other children were assigned to be "reporters" and to write about the case.

The trial played out over the course of several days and the children had a very concrete experience in dealing with the court process. Using this technique, Mr. Solomon made the abstract concept of rule of law very concrete and easily understood by the fifth-graders.

## Older Children and the Law

Older children become directly involved with the legal system if they or their friends violate the law. Having represented many high school students as an attorney, the second author was struck by how little these teens knew about how the law would affect them. She also noted the distortions that high school children have about the law.

Much of their knowledge of the consequences of breaking the law came from peers who had experiences in the legal system. These peers distort their involvement in events leaving out the fear, and anxiety associated with their own encounters with the law and only sharing with their classmates an account which makes them look "tough". One would not expect a scraping high school boy to tell his buddies that he because he was so afraid in the reform school, he cried in his pillow at night.

The second author challenged this ignorance by going into high schools and talking to

students about the functional aspects of the law and how it would directly impact them. During one discussion a ninth-grader said that he didn't worry about violating the law because since he was under eighteen, the cops "would not hassle me." He was surprised to find out that if arrested he would be photographed, fingerprinted, and handcuffed just like if he were an adult.

At a high school discussion, Herman, a tenth-grader reported how a friend told him that the Barton School, a state reform school, was a "cool" place, where you met neat kids and had a good time. His perception of this reform school changed when the second author described a typical day for an adolescent confined to the school. After going on to described the forced regimentation and the violence precipitated by the other inmates on some of the clients she represented, Herman announced to the group, "That's not I place I want to be."

The second author was also struck by the ignorance that high school students had concerning the consequences of various violations. Martha, a twelfth-grader, noted during a group discussion that, "Everybody has a false identification. I can't get into trouble for having one. I'm careful when I use it." Martha was surprised when the second author told her the legal consequences of being caught with a false identification card in the state. One of the consequences of this behavior is an action which can cause one to loose their driver's licence. Martha said she was reconsidering her use of the I.D. because "I'd be dead without my license. My life would be miserable."

These children although older and more sophisticated express a similar ignorance of the functional aspects of the law which have a direct impact on their behavior. Functional legal information is needed on this level as well. A good way to deliver this information is to have a lawyer who is knowledgeable about both the law and adolescent development talk to groups of

students in an open, frank manner. Morality, although very important, is left out of the lawyer's presentation. She only limits her remarks to the law and the consequences of getting caught violating the law.

## Summary

School systems should consider developing age-appropriate curriculum interventions which teach children the functional aspects of the law. The current curriculum teaches children about the role the judicial system plays in our form of government, but often ignores how the law affects children on a more personal level. An infusion process would work with younger children, while a special presentation approach would be more appropriate with older children.

By infusing functional law into the school system, teachers and principals will help younger children to cope better with the legal process, and older children to make decisions based on factual information.

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The Authors:

Barry B Frieman, Ed.D. is a professor of Early Childhood Education at Towson University in Baltimore and can be reached by e-mail at the following address: bfrieman@towson.edu

Bobbie Fine is a practicing attorney with both experience as a state's attorney and a defense attorney.